

IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Capital One Financial Corporation,)	
)	
Plaintiff,)	
v.)	Civil Action No. 1:11cv750 (LO/TRJ)
)	
John A. Kanas)	
<i>et al.</i> ,)	
)	
Defendants.)	
_____)	

O R D E R

The court has under advisement the parties motions (nos. 40, 50) for leave to file certain documents under seal. The court conducted a hearing on the motions on February 24, 2012, at which no objections to sealing were raised. The court took the motions under advisement to permit the parties to submit supplemental briefing showing why sealing is warranted under applicable Fourth Circuit precedent. Defendants have filed a supplemental memorandum (no. 59) and plaintiff has filed a supplemental declaration (no. 60).

The court finds that the materials the parties seek to file under seal meet the standard for sealing set by Fourth Circuit precedent, and accordingly that the following materials should be kept under seal:

- Exhibits I, J, and K to the declaration of Jacob S. Siler (nos. 42-10, -11, -12 (public); nos. 47-1, -2, -3 (sealed));¹

¹ These documents are, respectively, defendant John A. Kanas's supplemental responses to plaintiff's first set of interrogatories, dated January 13, 2012, defendant John Bohlsen's supplemental responses to plaintiff's first set of interrogatories, dated January 13, 2012, and a letter from Howard S. Hogan to Stuart H. Singer, dated January 16, 2012. Neither party provided

- Defendant John A. Kanas's supplemental responses, dated February 2, 2012, to plaintiff's first set of interrogatories, which is attached as Exhibit O to the declaration of Jacob S. Siler and as Exhibit 12 to the declaration of Carlos M. Sires (nos. 42-16, 49-14 (public); nos. 47-4, 52-3 (sealed));
- Defendant John Bohlsen's supplemental responses, dated February 2, 2012, to plaintiff's first set of interrogatories, which is attached as Exhibit P to the declaration of Jacob S. Siler and as Exhibit 13 to the declaration of Carlos M. Sires (nos. 42-17, 49-15 (public); nos. 47-5, 52-4 (sealed));
- A February 6, 2012 letter from Carlos M. Sires to Howard Hogan, which is attached as Exhibit S to the declaration of Jacob S. Siler and as Exhibit 1 to the declaration of Carlos M. Sires (nos. 42-20, 49-3 (public); no. 47-6 (sealed)²); and
- Plaintiff's first amended responses to defendants' first set of interrogatories, dated January 23, 2012, which is attached as Exhibit 2 to the declaration of Carlos Ms. Sires and as Exhibit A to plaintiff's response (no. 55) to defendants' motion to seal (nos. 49-4, 55-1 (public); no. 52-1 (sealed)), to the extent of the redactions contained in docket no. 55-1.

The parties have come to the agreement that Exhibit 3 to the declaration of Carlos M. Sires (no. 49-5 (public); no. 52-2 (sealed)), filed provisionally under seal, need not be sealed.

Defendant shall electronically file an unredacted version of that document with the Clerk

supplemental briefing as to these documents; however, the court has reviewed them and finds that they contain sensitive information similar in nature to the other documents at issue here, and that they therefore should be sealed as well.

² It does not appear that defendants provided a copy of this document to the Clerk's office for filing under seal.

forthwith.

In accord with those findings, and to that extent, the motions to seal are GRANTED.

ENTERED this 5th day of March, 2012.

/s/

Thomas Rawles Jones, Jr.
United States Magistrate Judge

Alexandria, Virginia